

STATE OF INDIANA

_____ COURT
In The Matter Of _____ A Delinquent Child
Case No. _____

**ORDER FOR HEARING AND NOTICE ON MODIFICATION PETITION
INCLUDING TEMPORARY ORDER**

Comes now _____ and files a Petition for Modification of the Dispositional Decree which petition is now considered by the Court and the Court having considered same, and being duly advised in the premises, now orders as follows:

1. The Court sets said petition for hearing on the _____ day of _____, 20____, at _____ o'clock ____M.
2. The Court orders the Clerk to issue notice of hearing to be served upon said child, the following parent, guardian or custodian, and the following person, if any, with whom the child has been placed for temporary care:
_____.

If the child is to be detained pending hearing, include the following:

3. (*Select applicable paragraphs*) The petitioner having requested an emergency change in the child's residence, and the Court finding that the following grounds for detention exist:

- ☐ the child is unlikely to appear before the juvenile court for subsequent proceedings;
- ☐ the child has committed an act that would be murder or a Class A or Class B felony if committed by an adult;
- ☐ detention is essential to protect the child and the community;
- ☐ the parent, guardian, or custodian cannot be located or is unable or unwilling to take custody of the child; or
- ☐ the child has a reasonable basis for requesting that he/she not be released.

4. The Court finds that:

- ☐ Reasonable efforts were made to prevent or eliminate the need for removal, including:

_____; It is in the child's best interest to remove the child from the home. It would be contrary to the health, safety, and welfare of the child to remain in the home because _____.

Or:

- ☐ Due to the emergency nature of the situation, no reasonable efforts could be made to

prevent removal because:

5. The court further finds that remaining in the home is contrary to the welfare of the child and placement outside the home is in the best interests of the child because:

or

Child should be removed from the home and is a threat to her/himself and the community because: _____.

6. () The court finds that the department of child services concurs in the probation officer's recommendation in the Petition or Modification Report;

or;

() The court finds that the department of child services does not concur with the probation officer's recommendation in the Petition or Modification Report and the court, having reviewed the report of the DCS accepts the recommendation of DCS;

or

() The court finds that the department of child services does not concur with the probation officer's recommendation in the Petition or Modification Report. The court further finds the recommendations of the DCS are unreasonable based on the facts and circumstances of the case / or are contrary to the welfare and best interests of the child based on the following: _____.

7. The removal of the child from the home or change of the child's place of residence is an emergency required to protect the health and welfare of the child for the following reasons:

8. OPTIONAL The Court finds by clear and convincing evidence that the above out of state placement in a home or facility that is not a secure detention facility is appropriate because:

() The Director of the DCS or his designee has recommended or approved of the placement;

or

() There is not a comparable home or facility with adequate services in Indiana, because _____;

or

() the home or facility is not more than 50 miles from the county of the residence of the child.

THE COURT NOW ORDERS THE FOLLOWING:

1. () The child shall be detained in (secure)(non-secure) custody at _____ as recommended or approved by the Probation officer. The placement is the least restrictive placement in the child's best interest. It is contrary to the welfare of the child for the child to remain in the home. The placement was determined to be an emergency required to protect the health and welfare of the child.

2. (county) probation department is responsible for continuing oversight of the placement and care of the child.

3. *(optional-only if placement is not in a secure detention facility)* The probation officer shall complete a case plan for the child no later than 60 days after the child's first placement or the date of this order. The Probation Officer shall send a copy of the completed case plan to DCS; the child's parent, guardian or custodian; and the person or agency with whom the child is placed for temporary residence, within 10 days after completion of the plan. The Case Plan will be reviewed and updated once every 180 days.

4. This case is set for the next periodic review hearing on: _____ *(no later than 6 months from the original date of the Dispositional Decree).*

5. This case is set for a permanency hearing on: _____ *(no later than 12 months from the original date of removal).*

So ORDERED this ____ day of _____, 20__

Judge

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